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Circular R64

Copyright Registration for Secure Tests

COMPLETED

ORIGINAL

WHAT IS A SECURE TEST?

For the purpose of copyright registration, a secure test is a nonmarketed test administered under supervision at specified centers on specific dates, all copies of which are accounted for and either destroyed or returned to restricted locked storage following each administration. A test is "nonmarketed" if copies are not sold and the test is distributed and used in such a manner that ownership and control of copies remain with the test sponsor or publisher (37 C.F.R. 202.20 (b) (4)).

REGISTRATION OF SECURE TESTS

To apply for copyright registration of a secure test, which is usually classified as a literary work and therefore registered on Form TX, the following three elements must be presented to the Copyright Office:

1. An application on Form TX;

2. A nonrefundable filing fee of $10 for each registration (checks should be made payable to Register of Copyrights);

3. A deposit of the work for which registration is sought (see deposit requirement in this circular).

PROCEDURE

To enable claimants to preserve the confidential nature of "secure tests," the Copyright Office provides in its regulations alternative procedures for registration of secure tests and for depositing copies of these tests. Secure tests should be hand-carried to the Copyright Office, Public Information Office, Room 401, Library of Congress, James Madison Memorial Building, at a mutually convenient, pre-arranged time. An examiner makes a preliminary examination of the complete test in the presence of the applicant and immediately returns the test to the applicant, retaining adequate identifying portions of the deposit to create an archival record. After the claim is fully examined and any problems resolved, a certificate of registration is mailed to the applicant.

To make an appointment for this special deposit procedure, call or write the Copyright Office:

Copyright Office
Literary Examining Section, LM-441
Library of Congress
Washington, D.C. 20559
202-287-8250

Warning: The Copyright Office cannot guarantee the security or confidentiality of test materials mailed to the Office. Tests received in the mail follow the normal flow of work and are given no special treatment.

DEPOSIT REQUIREMENT FOR REGISTRATION

To register secure tests and answer material, the deposit shall consist of:

one complete copy (to be returned to the applicant),
and
one set of identifying material (which will be retained by the Copyright Office).

Generally, the identifying material deposited with each test must constitute a sufficient archival record of the actual test; its sufficiency is determined by the Examining Division. Generally, the identifying material should consist of a photocopy of the title page of the test booklet and a photocopy of the last page of questions of each booklet with all except a narrow diagonal strip blanked out. The amount of the visible portion must be great enough to reveal that the page contains copyrightable matter. The page number must be visible on the photocopied sheet.

Unusual test formats may require different identifying material. In such cases, the applicant should call or write the Copyright Office to discuss particular needs or circumstances.

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FURTHER INFORMATION

If you have general information questions and wish to talk to an information specialist, call 202-287-8700, or write:

Copyright Office
Information Section, LM-401
Library of Congress
Washington, D.C. 20559

TO ORDER FORMS

To order application forms and circulars, call the Forms Hotline, 202-287-9100, and leave a recorded message.

Copyright Office • Library of Congress • Washington, D.C. 20559

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